#8

DECLE55.1CP2CD

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Moser, et al.	Group Art Unit 1633
App. No.	:	10/057,514	
Filed	:	January 24, 2002	
For	:	DENDRITIC-LIKE CELL/TUMOR CELL HYBRIDS AND HYBRIDOMAS INDUCING AN ANTI-TUMOR RESPONSE	
Examiner	:	Unknown	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Applicants hereby petition the Commissioner to make the present application special in accordance with 37 C.F.R. § 1.102(d) and to advance the present application for examination based on the invention's contribution to the treatment of cancer.

The present invention relates to dendritic cell/tumor cell hybrids which are capable of inducing an anti-tumor response *in vivo* when administered to a cancer patient in need of treatment. Cells isolated or derived from the specific tumor against which an immune response is needed are fused with dendritic cells or dendritic-like cells, thus producing a dendritic cell/tumor cell hybrid. Several embodiments of these hybrids are summarized in pages 28-30. The hybrids exhibit characteristics of both the dendritic cell and the tumor cell, thus the hybrid will illicit an immune response, either *in vivo* or *in vitro*, against the tumor fusion partner. The immune response contributes to the rejection of the residual tumor in the patient, when the hybrids are administered *in vivo*. For induction of an anti-tumor response *in vitro* the hybrid cells

are cultured with the immune cells of the patient and the activated cells are administered to the patient.

The results of *in vivo* treatment in mice as seen on page 60, line 10, of the specification indicate that the therapy may provide long-term tumor protection in cancer patients. Cancer therapy based on the elimination of tumor cells *in vivo* by the immune system offers several advantages including antigen specificity, lack of toxicity, ubiquity, and immunological memory which may provide long term resistance. The present application shows that somatic hybrid cells formed from the fusion of tumor cells and dendritic cells have the unexpected capacity to provide both antigenic and costimulatory signals to T-cells and to induce specific protection against the established parental tumor.

The invention provides a means of cancer treatment which has significant advantages over other cancer treatments and may provide an effective and long-lasting anti-tumor response *in vivo*. Therefore, Applicants are entitled to have this petition granted.

In accordance with 37 C.F.R. § 1.102(d), Applicants file herewith the fee set forth by 37 C.F.R. § 1.17(h).

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/19/02

By: _____

Mark R. Benedict
Registration No. 44,531
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

H:\DOCS\CMS\CMS-2934.DOC
082002